

THE COMMONWEALTH.

KENTUCKY LEGISLATURE.

IN SENATE.

Tuesday, Dec. 20, 1859.

The Senate opened with prayer by Rev. J. M. Lancaster, of the Catholic Church.

The Journal of yesterday was read by the Clerk.

MESSAGE FROM THE GOVERNOR.—DEATH OF HON. LINN BOYD.

A message was received from the Governor, by Mr. MONROE, Secretary of State, announcing the death of Hon. LINN BOYD, Lieutenant Governor, and informing the Legislature that he had ordered the public offices to be closed during the day, and recommending suitable action on the part of the Legislature.

Mr. JOHNSON arose and addressed the Senate as follows, viz:

Mr. SPEAKER:—The message just read from the Clerk's table, from the Governor of this Commonwealth, announces to the Senate and the country, that Hon. LINN BOYD is dead. He died, as the Governor informs us, on Saturday evening last at 8 o'clock, at his home, and in the bosom of his beloved family.

I have known the deceased since 1820. We were reared in the same portion of Kentucky, and for the last fifteen years our relations have been the most intimate. It is, therefore, fitting that I should speak of him. Though differing widely from him in political sentiment, and never having voted for him, I cannot resist the impulse of tendering to his memory the tribute of my heartfelt sorrow.

Col. Boyd was born in the city of Nashville, Tennessee, on the 23d day of November, 1801. His father, Abram Boyd, removed from Nashville to Christian county, near Trigg, in 1803, where he was reared to manhood. In 1820, when the district of country known as the Kentucky purchase was divided into counties, he was elected to the county of Calloway, in that district, and the next year was returned the first member to the legislature from the four counties comprising that district, when there was less than three hundred voters within its limits. He was returned for three consecutive sessions, during which time he originated the policy which settled that useful country, and which now contains cities and towns, while the rural districts team with busy industry and thrift, and an aggregate population of one hundred thousand people. He justly deserves to be called the father of his people! In 1830, he returned to Trigg county, and the next year was again elected to the Legislature from that county. This was his last service in the Legislature. He was then called to a higher sphere of action. In 1835, he was elected to the Congress of the United States, and served his first term with distinguished ability. He was defeated by party divisions in 1837; re-elected in 1839, but continued uninterruptedly in Congress until he had served eighteen years; and after which voluntarily retired to private life, to spend his days like Cincinnati at the hands of the plow. But his countryman would not spare him from her councils, and he was nominated for the office of Lieutenant Governor, at the Democratic Convention which assembled last January in this city. Soon after this, he was stricken down by disease, and from the severity of which he had no respite, until he yielded up his last sighs to the God of all mercy! As I must be brief, I will allude to a single incident in his public life. In 1850, when the Texas boundary, with a Territorial Government for New Mexico was under consideration in the House of Representatives, that measure, constituting the basis of the compromise measures, was lost by a few votes. It was reconsidered again and lost, but the bill had received some slight amendment, and was again proposed to be reconsidered, and the Speaker ruled the motion out of order. At this juncture Mr. Boyd got the floor, and moved to appeal from the decision of the Chair, and made a speech upon the importance of the measure—showing the dangers that threatened the Union; and such was the power of that appeal, that the vote was reconsidered, and taken on the bill and passed, and the Union was saved! The great names of this Senate were present in the House, and when the result was known, the great commoner, who now rests in the shade of Ashland, shed tears of joy over the result.

Col. Boyd was in many respects a remarkable man. He never appealed to the venality of the press to aid him in his political aspirations; he never bought a friend, and never stooped to an enemy, he never asked appointments for any of his constituents, except on the score of qualification, and it is a remarkable fact that he has scarcely ever sought an appointment for any of his constituents. He would say to those who asked it, the field of executive favor is too small a one for a noble ambition; qualify yourself well and then appeal to the people.

It may be asked what contributed so largely to his success? I answer, first, the full conviction of his judgment that he was right; and second, the extraordinary facility with which he read the human character.

Mr. Speaker and brother Senators, this is a time for memory and for tears; why has he been called from this noble theatre, whilst we are left? He that could have said to the troubled waters, cease, be still! His noble form, his lofty patriotism, his supreme love of country which nothing could daunt, made this life a theatre for his actions, and this time for the display of his great influence and his ripe experience.

Mr. Speaker and brother Senators, let us this day renew, over the ashes of the illustrious dead, our devotion to the Union and the Constitution. Sir, standing on my native heath, surrounded by the living and the dead that I love, with all the memories of the past, and the hope of the future, with my hand on the constitution and standing in the presence of that honored memento, (pointing to the portrait of Gov. Shelby,) who at King's mountain stood amidst that storm of fire and iron hail, and who bore in his body enduring memorials of that struggle in which American liberty was purchased, and in the presence of that immortal man, (pointing to the portrait of Henry Clay,) who uttered the noble sentiment that "peace hath her victories, as well as war;" I say in the presence of these, and you, Mr. Speaker, and all my brother Senators, that I this day renew my pledge to stand by the Union and Constitution, until, like this great man, I shall be called from the labors of this life to the peaceful quiet of the grave.

Mr. Speaker, let us from this noble theater gaze all passion ill feeling, and over the haughty which now hides from our view this eminent citizen and statesman, pledge our lives and our honor, now and forever, to the good of our country. When the future historians shall write the history of the great men of Kentucky, high upon the list will stand the name of LINN BOYD.

Mr. Speaker, I now ask leave to introduce the appropriate resolutions, and ask that they be spread upon the Journals of the Senate.

The Senate of Kentucky having received the intelligence of the death of Hon. LINN BOYD, the Lieutenant Governor and presiding officer elect of this body, and sharing in the universal sorrow this sad event will carry to every part of his adopted State, which he has so long and faithfully served in the councils of the State and nation, do unanimously resolve—

Resolved, That the Speaker's chair be shrouded in black during the session, and that the officers and members of this body will wear mourning on the left arm for thirty days.

Resolved, That we are penetrated with profound sorrow for the loss, at this time, of one so firm in all good and patriotic purposes, so exalted in virtue, so pure in all the relations of life, and a statesman so indissolubly attached to the Union of these States.

That the Speaker of the Senate be requested to direct a copy of this preamble and these resolutions to be transmitted to Mrs. ANN L. BOYD, as suring her that this body deeply deplores with her, in the irreparable loss she has sustained in the severely ill-fated departure of her husband, and that we shall ever cherish a profound respect for the manifold virtues and estimable worth of her late husband.

Resolved, That when the Senate adjourns, it will adjourn to-morrow at 10 o'clock.

Mr. FISK said:

Mr. SPEAKER:—I arise to second the resolutions presented by the Senator from McCracken. I cannot find words to express the deep grief I feel on this sad occasion. A truly good, pure and wise statesman has fallen. He was a noble specimen of the physical and dignified and courteous in his bearing, he justly merited and won the respect of all who knew him. He has left to his bereaved widow and fatherless children a rich legacy in his spotless private life, and his exalted and unrivalled public character. His life exhibits a bright example of the true spirit and the real workings of our unequalled American institutions. Born in humble life, endowed with great natural abilities, he early comprehended his powers and his opportunities. With an upward glance he saw all the avenues to honor and distinction wide open before him. He began the struggle of life unalterably determined to do right, and never to turn his back upon friend or foe. His ascent was rapid. He passed through the State Legislature and up to Congress, and was twice elected Speaker of that body. For eighteen years he was a Representative in Congress from one of the most enlightened districts in the State. Always without a peer; and most of the time without a rival—his constituents were proud of him as a man, and always delighted to do him honor. He voluntarily retired from Congress to the quiet of his own happy home; but the people again called upon him, and placed him in the second office under the Government of the State. But alas! he has not been permitted to take his seat. He has fallen. The grave has received him. He has passed away, and left his model character for our imitation. We shall soon be surrounded with the emblems of death, reminding us that we too are mortal, and must soon go hence and be here no more. Let us imitate his example, and emulate his virtues.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Tuesday, Dec. 20, 1859.

Prayer by the Rev. JOHN N. NORTON, of the Episcopal Church.

The Journal of yesterday was read.

PETITIONS.

Were presented by Messrs. RODMAN, (2), WOLFE, LACKEY, EWING, and S. JOHNSON, and appropriately referred.

LEAVE TO BRING IN BILLS.

Leave was given to bring in the following bills, which were appropriately referred, viz:

Mr. GOODLOE—A bill for the benefit of Bryant's Station Turnpike Road.

Mr. J. O. F.—A bill for the benefit of Merriek Lodge, No. 31, 1, O. F.

Same—A bill to amend the charter of the Versailles and Anderson Turnpike Road.

Same—A bill to incorporate the Board of Managers of the Louisville House of Refuge.

Same—A bill to amend the Criminal Law as to the punishment of young offenders in this city of Louisville.

Same—A bill to amend the charter of the Frankfort and Woodford Landing Turnpike Road Company.

REPORTS OF STANDING COMMITTEES.

Mr. FINN—County Courts—A bill to change the time of holding the Magistrate's court in District No. 5, in Henderson county, passed.

Same—A bill permitting the administrator of David Snodgrass, deceased, late Judge of the Harrison Quarterly Court, to issue and collect fee bills due said decedent: passed.

Same—A bill to change the time of holding the Quarterly Court of Trimble county: passed.

Same—A bill to change the time of holding the Henderson Quarterly Court: passed.

Same—A bill to allow the Bracken County Court to subscribe \$300 to improve a county road in said county: passed.

Same—A bill for the benefit of Wm. C. Gillis, late Surveyor of Whitley county: passed.

Same—A bill to change the time of holding the Quarterly Courts of Adams county: passed.

Same—A bill to incorporate the Book and Tract Association of the Louisville Conference of M. E. Church, South.

Same—A bill to repeal an act entitled, an act for the benefit of the town of Burlington and Hamilton: passed.

Same—A bill to amend the law in regard to jury trials and the effect of the same in will cases: referred to the committee on the Judiciary, and ordered to be printed.

Same—A bill to increase the pay of witnesses. [Allowed \$1 per day:] passed.

Same—A bill in relation to forfeited lands. Said bill reads as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That chapter 29, section 1st, of the Revised Statutes, be, and the same is hereby, amended, by repealing that part of said section beginning at the word "unless," to the end of said section.

§ 2. That all laws now in force in this Commonwealth authorizing the redemption of lands that were forfeited for the non payment of taxes, and for other cause, prior to the 1st day of January, 1834, are hereby repealed; that all lands so forfeited, shall vest the fee simple title in the grantees, their heirs or assigns.

§ 3. That all lands forfeited as stated in the preceding section, and not heretofore granted by the State, shall be subject to entry in the same manner as now provided by law in regard to vacant and unappropriated lands.

§ 4. That any person having possession of any such land, forfeited as aforesaid, claiming the same to a well defined or marked boundary, shall have the exclusive right, for twelve months or the passage of this act, to pre-empt the land so held, not exceeding five hundred acres.

§ 5. Any person holding any such forfeited land, by deed of conveyance made bona fide, and who have regularly listed and paid taxes on the same, but who have not such title and possession as will, under existing laws, vest them with title by reason of the forfeiture of the land, shall have the exclusive right, at any time within twelve months after the passage of this act, to pre-empt the land so held.

§ 6. That in all cases where there are taxes due the State, on lands forfeited prior to the 1st day of January, 1834, and such lands have been granted by the State subsequently to such forfeiture, such grant shall operate as a release of all the taxes due upon that grant, up to the heretofore made of any such land, shall in like manner operate as a release of the taxes due at the date of such grant. The release of taxes as herein provided, shall inure to the benefit of the grantees, their heirs or assigns: Provided, That nothing herein contained shall prevent the State from proceeding to sell for taxes any lands not heretofore granted, and that shall not be entered and surveyed within twelve months from the passage of this act; after that time the State may proceed to sell for taxes, in conformity with existing laws, any forfeited lands not granted, or entered and surveyed as herein provided.

§ 7. This act shall take effect from and after its passage.

The bill was then passed.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor, by T. B. MONROE, Jr., Esq., announcing the death of Hon. LINN BOYD, and informing the Legislature that he had caused the public offices to be closed, and recommending suitable action on the part of the Legislature.

DEATH OF HON. LINN BOYD.

Mr. SPEAKER:—Being from the same county in which Col. Boyd resided, whose death has just been made known to this House by a message from His Excellency the Governor, and having known and admired him as a statesman from his childhood, and loved him as a private citizen and a neighbor, the first impulse of my heart prompts me to rise and express the deep emotion of regret which I feel on account of the irreparable loss, not only to his family and his many personal friends, but as a public calamity to the State and the Union.

I shall not now attempt to give to this House even a sketch of the life of Col. Boyd—his life is a part of the history of this country; his character for honesty and virtue, his consummate judgment and unwavering firmness upon all the political questions that agitated his country during all his long public life, made him the favorite man of his party; and now that he lives no more, his political opinions and public services remain in the memory of his country, as landmarks, guiding lights, by which our children may conduct the old ship of state safely down the stream of time.

Col. Boyd loved his country, and when he saw her constitution in danger in 1850, he stood by the side of Webster and the immortal Clay, and battled against the raging spirit of disunion.

His true heart was grounded and firmly fixed principles of political faith he loved his party, and his country more, and stood prepared, at all times, to make any and every personal sacrifice for the good of his party, and the maintenance of the Federal Constitution.

One thing more I must say of Col. Boyd. However honest public men may be, there are always those who impeach their motives or integrity, but I am proud to bear testimony that even in the forum of political excitement, when enmity and recrimination characterized the parties of the country, all admitted Col. Boyd was an honest politician; yes, like Cassa's will, he proudly stood above suspicion.

When we contemplate the death of a great and useful man; when we see his setting sun in the dark cloud go down in death, to rise no more, and thoughts do sink deep into every patriotic bosom.

Sympathizing as I do with the family of the deceased, I hope such resolutions will be offered as will be expressive of the feelings of this House.

Mr. LANNON said.—Mr. SPEAKER, on Saturday evening last one of the ablest politicians, one of the profoundest statesmen, one of the purest patriots, that ever ranked among the sons of this country, has fallen from the scene of life, there is agony in the mother's heart as she hangs over the bier of her stranger babe, which has, but for a day, been placed upon her bosom; it fills the hearts of brothers, sisters, and school mates with a vague and nameless terror, when one of their fellows is taken from among them; a solemn awe reigns over a neighborhood when one of their number falls a victim to the pestilence of his country. So devoted was he to his country, so devoted was he to its doctrines and principles of the public weal, and so successful in his teachings upon the principles upon which he believed the government should be administered, that that portion of Kentucky of which I have the honor to be a citizen is now known throughout the great Republic of States by the name of "Linn Boyd's district."

And, sir, Kentucky alone that noble land, and great loss we now deplore, for he had not only endeared himself to his own State, but he had for eighteen years served the Republic in the Congress of the United States; and now, sir, when the hall which had, for so many years, been the scene of his labors, and over which he had, for four years struggled with so much dignity and ability, is to be closed, and the noble man, who has been the life and soul of the party, is to be laid to rest, it is a sad and mournful occasion, and I feel that the three struggles for ascendancy in the organization of the House, at a time when the elements in that House are being stirred and tossed as by an ocean storm, the last of those great men who could stand upon the floor of that Hall, and say to the troubled waters, "peace, be still," has been gathered to his fathers.

"He is gone to the mountain; He is laid to the tomb; Like a summer dried fountain, Like a winter withered stream, Like a forest, whose trees are dead."

Mr. McELROY said.—The solemn announcement has just been made to this House, by the honorable and distinguished Linn Boyd, late Governor of this Commonwealth, that he has departed this life; the same announcement has just been repeated on this floor by the worthy member from McCracken; this news will spread a gloom over this wide spread Commonwealth to know that the Lieutenant Governor of this State, and one of her noblest sons, is no more.

I do not rise, sir, to pronounce an empty and high sounding eulogy upon his character as a citizen or statesman, but only to pay a proper and just tribute to his memory. His history is written and interwoven with the history of our State and the history of the important political events of the United States Government.

I have been personally and intimately acquainted with Col. Boyd over a quarter of a century, and I can assure you that the same age, and resided in the same district of country, I am not certain whether he was born in North Carolina or Tennessee, but he emigrated to this State about the period of manhood from near Nashville, and settled in the county of Christian, where he continued to reside until that district known as Jackson's purchase was taken possession of by the Government of Kentucky, and he moved into the county of Boone, near the river. As one of the early pioneers Col. Boyd settled there, which was then a frontier and sparsely populated by the white man. The moccasins track of the savage was still fresh on the soil. Young Boyd's character for integrity and firmness was soon established amongst his hardy and chivalrous neighbors; and having confidence in him, he was chosen by them, and was chosen by that people among their first representatives to the General Assembly. He continued as their representative until, by his wisdom and foresight, he placed that people in a happy and prosperous condition by his wise policy of legislation he prepared for them. At this period he was placed in nomination by his friends as a candidate for Congress in opposition to Col. Lyon, the old and experienced and able bearer of the old first Congressional district; he was beat by a small majority. At the next Congressional race in said district he triumphed over all opposition; he was continued in Congress for about 18 years, and during that period he never sustained defeat but once, and that was accomplished under peculiar and trying circumstances. It was during the memorable period of the great financial pressure that swept over the United States—caused, as was alleged, by the discontinuance of the National Bank. As a measure of relief a large number of Col. Boyd's friends urged him to declare himself favorable to the proposition to re-charter the old Bank, or create a new one, and promised him, if he would do so, certain success in his election. He replied, that he had always been an opponent of the National Bank, and he would not be placed in the high and proud position of Speaker of the House of Representatives of the Congress of the United States. His administration was marked with ability, fairness and firmness.

While there, his iron will, and honesty and determination of purpose were known and acknowledged, and by a vote of his fellow members he was placed in the high and proud position of Speaker of the House of Representatives of the Congress of the United States. His administration was marked with ability, fairness and firmness.

His was in Congress at the passage of the memorable Compromise Measures; which, if adhered to, will secure perpetuity to this Union, and the constitutional right to the southern States, and it is the history of that eventful period that their passage was mainly secured by the wisdom and influence of Col. Boyd.

He was a man of powerful intellect—quick to comprehend and grasp a subject, and always ready to decide and determine his course of action. He was in all his relations of life candid and frank, having never concealed a political sentiment in his life. He was what is called a self-made man, never having had the advantages of a liberal education. His name had gone abroad throughout this nation, and he was favorably spoken of as a candidate for the Presidency. At the last August election the people of Kentucky called on him to discharge the duties of Lieutenant Governor. He obtained the position without an effort on his part. Such, sir, was Col. Linn Boyd. It may be truly said that a mighty man has fallen in our land.

Mr. BURNAM said.—Mr. SPEAKER, it is eminently just that the gentleman from that other side of this chamber should not only the political but the personal friends of the distinguished dead, should first have offered tributes to his memory. I hope it will be regarded as not inappropriate to say that those with whom I am associated in this floor unite with them, cordially, in this demonstration of respect.

In that portion of Kentucky where I live, Mr. Boyd had many devoted friends, to whom the announcement of his death will bring unfeigned sorrow. I had the pleasure to make the acquaintance of Mr. Boyd while a Representative on this floor, in the winter of 1851, and of renewing that acquaintance in the summer of 1856, when he was on a visit to my county. Whilst differing from him politically, he impressed me with a high sense of his independence, his firmness, and his patriotism, and I could readily see how it was that his friends should so long have extended to him their unabated confidence.

Death, it has been said, "sets the seal of canonization on a great man." In the unbroken silence of the tomb, all party rancor should be stilled, and when the noble spirits of the country cease to live, and serve those who have honored them, we first learn how much of the real wealth of the country disappears. For after all, sir, the wealth of a nation does not consist in its broad domain, in its mines of precious metals, in its deep broad rivers, teeming with the fruits of commercial enterprise, or its immense mechanical and manufacturing establishments. It does consist, mainly, in the total value of the persons, of the people, of the nation, and of the country. It is the noble man, its manly, and law-givers, its laborers, its statesmen and benefactors. When these die we realize the public loss.

The party differences which in life separated Col. Boyd from many of his countrymen are forgotten now that his race is run; in the memory that he loved the Union, and all his countrymen loved him, and the noble man, who has been the life and soul of the party, is to be laid to rest, it is a sad and mournful occasion, and I feel that the three struggles for ascendancy in the organization of the House, at a time when the elements in that House are being stirred and tossed as by an ocean storm, the last of those great men who could stand upon the floor of that Hall, and say to the troubled waters, "peace, be still," has been gathered to his fathers.

And thus, when the great and just, Col. Boyd, has fallen, a life and soul, Heaven was one of her sleeping dust, Till the pure spirit comes again.

Mr. GALLIER said: It may be unassuming, perhaps, in the youngest member of this House, to say anything in addition to what has been eloquently said upon this occasion, but as I have been taught from my earliest infancy to love Col. Boyd, I beg the indulgence of the House for a few moments.

It is written in the Holy Bible, "that all flesh is as grass, and the glory of man is as the flower of grass." We have to day learned that all that is mortal of Linn Boyd (one of Kentucky's noblest sons) has withered and died. Yet his glory, unlike "the flower of grass," will live and forever bloom in the grateful hearts of his countrymen.

When the giant oak of the forest has been blighted by the lightning of heaven, the tender parasite, that was shaded by its verdant boughs, and an evergreen of beauty, and with flowers of brightness bright up its dying branches, it is the lightning of Linn Boyd—the mortal oak among the trees of Liberty—will only grow the glory of his patriotism to bloom in perennial beauty—for now that he is dead, the tongue of party rancor will be silenced, and all will tender him his just meed of praise.

Among many other virtues of a more dazzling character, Col. Boyd possessed one that will cause his name to live as low with sorrow when it is heard that he is dead. He was the poor man's friend, and many prayers for God's mercy upon his soul, will arise with it to heaven, from the cabin beside of those who know him but to love him.

I need not speak of his public life. That is part of the country's history—so interwoven with that which will live while the country exists, but I deem it my duty and my privilege to pay this tribute to the memory of the "Farmer Statesman," and to drop one tear of sympathy over our nation's loss.

Mr. McELROY offered the following resolutions, which were unanimously adopted [The resolutions are the same as those adopted by the Senate.]

Mr. Spenser, (MERIWETHER,) before announcing the vote, said he had known Col. Boyd in his boyhood, in his early manhood, and on up to the meridian of life, and he endorsed all that he had seen and heard of the life of the noble man, and he tendered his sympathy to the family of the noble man.

And then the House adjourned.

His was in Congress at the passage of the memorable Compromise Measures; which, if adhered to, will secure perpetuity to this Union, and the constitutional right to the southern States, and it is the history of that eventful period that their passage was mainly secured by the wisdom and influence of Col. Boyd.

He was a man of powerful intellect—quick to comprehend and grasp a subject, and always ready to decide and determine his course of action. He was in all his relations of life candid and frank, having never concealed a political sentiment in his life. He was what is called a self-made man, never having had the advantages of a liberal education. His name had gone abroad throughout this nation, and he was favorably spoken of as a candidate for the Presidency. At the last August election the people of Kentucky called on him to discharge the duties of Lieutenant Governor. He obtained the position without an effort on his part. Such, sir, was Col. Linn Boyd. It may be truly said that a mighty man has fallen in our land.

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His was in Congress at the passage of the memorable Compromise Measures; which, if adhered to, will secure perpetuity to this Union, and the constitutional right to the southern States, and it is the history of that eventful period that their passage was mainly secured by the wisdom and influence of Col. Boyd.

He was a man of powerful intellect—quick to comprehend and grasp a subject, and always ready to decide and determine his course of action. He was in all his relations of life candid and frank, having never concealed a political sentiment in his life. He was what is called a self-made man, never having had the advantages of a liberal education. His name had gone abroad throughout this nation, and he was favorably spoken of as a candidate for the Presidency. At the last August election the people of Kentucky called on him to discharge the duties of Lieutenant Governor. He obtained the position without an effort on his part. Such, sir, was Col. Linn Boyd. It may be truly said that a mighty man has fallen in our land.

Mr. BURNAM said.—Mr. SPEAKER, it is eminently just that the gentleman from that other side of this chamber should not only the political but the personal friends of the distinguished dead, should first have offered tributes to his memory. I hope it will be regarded as not inappropriate to say that those with whom I am associated in this floor unite with them, cordially, in this demonstration of respect.

In that portion of Kentucky where I live, Mr. Boyd had many devoted friends, to whom the announcement of his death will bring unfeigned sorrow. I had the pleasure to make the acquaintance of Mr. Boyd while a Representative on this floor, in the winter of 1851, and of renewing that acquaintance in the summer of 1856, when he was on a visit to my county. Whilst differing from him politically, he impressed me with a high sense of his independence, his firmness, and his patriotism, and I could readily see how it was that his friends should so long have extended to him their unabated confidence.

Death, it has been said, "sets the seal of canonization on a great man." In the unbroken silence of the tomb, all party rancor should be stilled, and when the noble spirits of the country cease to live, and serve those who have honored them, we first learn how much of the real wealth of the country disappears. For after all, sir, the wealth of a nation does not consist in its broad domain, in its mines of precious metals, in its deep broad rivers, teeming with the fruits of commercial enterprise, or its immense mechanical and manufacturing establishments. It does consist, mainly, in the total value of the persons, of the people, of the nation, and of the country. It is the noble man, its manly, and law-givers, its laborers, its statesmen and benefactors. When these die we realize the public loss.

The party differences which in life separated Col. Boyd from many of his countrymen are forgotten now that his race is run; in the memory that he loved the Union, and all his countrymen loved him, and the noble man, who has been the life and soul of the party, is to be laid to rest, it is a sad and mournful occasion, and I feel that the three struggles for ascendancy in the organization of the House, at a time when the elements in that House are being stirred and tossed as by an ocean storm, the last of those great men who could stand upon the floor of that Hall, and say to the troubled waters, "peace, be still," has been gathered to his fathers.

And thus, when the great and just, Col. Boyd, has fallen, a life and soul, Heaven was one of her sleeping dust, Till the pure spirit comes again.

Mr. GALLIER said: It may be unassuming, perhaps, in the youngest member of this House, to say anything in addition to what has been eloquently said upon this occasion, but as I have been taught from my earliest infancy to love Col. Boyd, I beg the indulgence of the House for a few moments.

It is written in the Holy Bible, "that all flesh is as grass, and the glory of man is as the flower of grass." We have to day learned that all that is mortal of Linn Boyd (one of Kentucky's noblest sons) has withered and died. Yet his glory, unlike "the flower of grass," will live and forever bloom in the grateful hearts of his countrymen.

When the giant oak of the forest has been blighted by the lightning of heaven, the tender parasite, that was shaded by its verdant boughs, and an evergreen of beauty

THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GRAY, Editor.

WEDNESDAY, DECEMBER 21, 1859.

To Members of the Legislature.

Extra copies of the *Daily Commonwealth*, put up in wrappers, ready for mailing, will be furnished at 2 cents each, and extra copies of the *Weekly* put up in wrappers at 4 cents each.

Gentlemen wishing extra copies of either the *Daily* or *Weekly* will please leave their orders beforehand at this office, or with JOHN M. TODD, in the H. R., or G. W. LAW, in the Senate, Reporters for this paper. Orders for the *Weekly* must be left by Saturday evening of each week, as it is published on Monday; and for the *Daily* the day before the publication of the paper which is wanted.

Extra copies of this paper containing the Governor's Message, can be furnished to those who wish them at 2 cents each.

The Frankfort Commonwealth FOR THE SESSION OF THE LEGISLATURE.

Daily,	\$1 50
Weekly,	75
Six copies of Daily for	7 50
Ten copies of Daily for	12 00
Twenty copies of Daily for	20 00
And for any larger number than twenty at same rate.	
Five copies of Weekly for	\$3 00
Ten copies of Weekly for	5 00

Death of Linn Boyd.

On Monday evening a telegraphic dispatch announced the death of this gentleman, the Lieut. Governor of the State, and on yesterday both branches of the State Legislature signified their respect for the memory of the departed by passing appropriate resolutions, and then adjourned. We feel that it would be unbecomingly to comment disparagingly upon the character of the deceased, but his obituary must be spoken and written by another. A number of Senators and Representatives have creditably discharged this duty, and to their remarks, which will be found among our Legislative reports, we invite the attention of our readers. By the death of Col. Boyd, Thos. P. Porter becomes the Lieut. Governor of Kentucky.

The resolutions offered in the Senate, on last Saturday, by Mr. ALEXANDER, of a character to merit the approbation of every patriotic citizen of the State, and we cannot choose but believe that they represent the true sentiments of a large majority of Kentuckians. Expressing the abhorrence generally entertained of the mad scheme of John Brown and his associates, that at the same time condemn the Southern slave-trading secessionists; avowing the unwavering attachment of Kentucky to the Union of States, they promise that the people of our beloved Commonwealth will discontinue all attempts to alienate the different sections of our common country. It is eminently appropriate that such resolutions should be passed by a Kentucky Legislature. Breathing the patriotic ardor which characterized our councils during the period when our State was governed by great men, they form a manly and cheering contrast to the pusillanimous and senseless demagogues of which we have recently read and heard enough to disgust and nauseate any but the most treacherous stomach.

Notice to the Public!

THEATRE.—Owing to some unaccountable reason, (perhaps the weather,) the Orchestra engaged by the managers of the Theatre failed to arrive last evening according to agreement. We have no objection to the Theatre, but we have deemed it advisable to postpone their opening until they do arrive, which will surely be some day this week.

HARRY CHAPMAN, SAM. DRAKE.

A letter from Col. HUDSON requests us to express his gratitude to those members of the General Assembly who supported him for Public Printer, and to say to each one of them that their kindness will be remembered by him through life.

ASSEMBLY HALL.—Let no one forget the Assembly Hall, at the Capital Hotel to night. It will inaugurate the gaiety of the season, and every endeavor will be made to render it a brilliant affair. A number of the Kentucky belles are already here and more are coming. STRAUSS will also be on hand, and CAMPBELL STEELE attends to the supper—a sufficient guarantee of an excellent repast.

The highly improved BRAZILIAN PEBBLE SPECTACLES, which are now to be had at Harris' Gallery, over the Postoffice, are really an improvement on human vision, and we advise those that fail to see with convenience to call on Mr. STONE, the well recommended and skillful Optician. He is the man who will do you good.—Don't miss a rare chance, as Mr. STONE's stay in our community is but for one day.

The use of Dr. HOSSTETTER'S STOMACH BITTERS for Dyspepsia, Flatulence, Heaviness of the Stomach, or any other like affection, is second to none in America or abroad. To be able to state confidently that the "Bitters" are a certain cure for dyspepsia and like diseases, is the property of a man of unalloyed pleasure. It removes all morbid matter from the stomach, purifies the blood, imparts renewed vitality to the nervous system, giving it that tone and energy so indispensable for the restoration of health. The numerous acknowledgments of its superior excellence and beneficial results, have assured the proprietors that it cannot but prove a great cure to the afflicted, and impart vitality to the thorough system. See advertisement in another column.

He that escapes reprehension, may suspect his adoption. God had one Son without corruption, but no son without correction.

Decision of the Court of Appeals.

(Reported expressly for the Commonwealth by JONAS M. BROWN, Attorney-at-Law, Frankfort, Ky.)

WINSTON, &c. vs. McATEE.

From the District Circuit Court.

This was a proceeding, by petition, in this County Court, by Catharine Winston—an infant under fourteen—through her next friend, to remove her guardian. The guardian resisted the application. The County Court refused to remove him, and the Circuit Court, on appeal, affirmed the order of the County Judge. From that judgment of affirmance the infant has appealed.

It appears that the father of appellant died in testate, leaving a widow and two daughters—Catharine and Susan, both of them under fourteen years of age—and also a considerable estate—consisting of land, slaves and personal property; that his widow was appointed administratrix of his estate, and her brother, C. Riley, at her instance, guardian for her children. Also that, now long afterwards, the widow intermarried with McATEE, and a short time thereafter, having induced or brother to resign his trust as guardian, McATEE was appointed in his stead. After this the mother of the infants died, and in the course of a few months McATEE married another lady, in no wise related to his wards or their friends. Upon the death of their mother, the wards went to reside with their own kindred. Susan, the elder sister, being then fourteen years of age, selected her uncle, Wm. Riley, as her guardian.

It further appears that McATEE asserted claim, as survivor of his former wife, to personalty and other property which the infants claim as part of their deceased father's estate, of which estate there had been no distribution, division or settlement made by him or his wife as administratrix, and that he had not, as guardian, filed an inventory of his wards' estate within sixty days after his appointment, as required by law; and this evidence conduces to show that it would be to the interest of the infants that their estate, which was joint and undivided, should be under the control of one rather than of two persons.

Judge STILES delivered the opinion of the Court.

The question in this case is, whether a removal of the guardian was not eminently proper, and whether the County Judge ought not, in the exercise of a sound discretion, to have made an order to that effect.

Our ground relied on—that is, the failure of the guardian to file an inventory of his wards' estate within sixty days after his appointment—was, of itself, sufficient to have justified such an order. The Revised Statutes, chapter 43, art. 3, sec. 1 and 2, page 374, impose this duty upon every statutory guardian, and provide that, for failure to comply with it, he may be removed.

But conceding that this neglect did not, of itself, imperatively demand the removal of the guardian, the other facts presented, when considered therewith being the case clearly, supra, Rev. Stat. 373, which declares that "When a guardian shall have become insane, move out of the State, become incapable of discharging the duties of his trust, or evidently unsuited therefor, the court, after notice, may remove him," &c.

The reasons which superinduced the removal of the first guardian and the appointment of McATEE, viz., the relation of step father, and the necessity and propriety of the daughters being with and under the control of her mother, his former wife, no longer exist. So far as the record shows, there are no ties of relationship, no motive or obligation, save those imposed by the stipulations of his bond, to prompt or incite the guardian to rear his ward in such manner as her estate and position require or would justify.

Consanguinity and relationship are important considerations in the appointment of guardians. The law recognizing the familiar truth, that infants and their interests are safer in the hands of relatives than strangers, make it a control in the order of precedence prescribed for the action of County Courts.

The fact that there was no consanguinity or tie of relationship between the guardian and ward, and, of itself, no sufficient reason to remove him, after he had been appointed, but the having assumed an attitude, and asserted claim hostile to the interest of his ward, the fact that he was a stranger in blood, tends to fortify the conclusion that he had become "evidently unsuited" for a faithful discharge of his duties as guardian, and unfit for the position.

The law makes it the duty of a guardian to look after and protect all the interests of his ward, and condemns the acquiescence of any right by him inconsistent with this duty. He cannot serve himself and his ward, when their interests conflict.

In view then of the neglect of appellee to render an inventory of his ward's estate, as required by law—of his attitude as an adverse claimant of rights inconsistent with her interest, and the peculiar circumstances attending his appointment—our conclusion is that he was evidently unsuited to discharge the duties of guardian for appellant, and should therefore have been removed.

Wherefore, the judgment of the Circuit Court affirming the order of the County Court is reversed and the cause remanded, with directions to revise said order, and send the case back to the County Court, with an order directing the removal of appellee as guardian of appellant.

We would particularly call the attention of our readers to a remedy known as McLEAN'S Strengthening Cordial and Blood Purifier. It is certainly a valuable remedy. We therefore say to all, call at the agent's, and test for yourselves its intrinsic merits. It is delicious to take. We ask our readers to try it. See the advertisement in another column.

The year 1859, has been noted in England for hotter weather in July than has been recorded since 1771, the average of the month having been 69½ degrees, more than 6½ degrees above the usual mean. The maximum in the shade was 83 degrees, and in London, in the sun, 141 degrees. The present year has also had colder weather in October than had been previously noted during upward of forty years, having fallen as low as 2.3 degrees. The greatest cold previously registered since 1719 was 21.6 degrees—October, 1859, has also shown the greatest degree of heat (77.5 degrees) ever recorded during that month. There was also a considerable fall of snow in the north of England, and in Scotland and Ireland, and ice half an inch thick in Lough Lough. The cause of which have also been very violent, mounting to hurricanes and even tornadoes at sea, and the damage to vessels and the loss of life have been distressingly great.

Another Manifesto from Garibaldi, &c.

The Corriere Mercantile publishes the following proclamation, issued by Gen. Garibaldi on his arrival at Genoa:

TO MY COMPANIONS IN ARMS IN CENTRAL ITALY.

Let not my temporary absence cool your ardor for the holy cause that we defend.

In separating myself from you—whom I love as the representatives of a sublime idea—the idea of Italian independence—I am excited and sad, but consolation comes in the certainty that I shall very soon be among you again, to aid you in finishing the work so gloriously begun.

For you, as for me, the greatest of all possible misfortunes would be not to be present wherever there is fighting for Italy. Young men who have sworn to be faithful to Italy and to the chief who will lead you to victory, lay not down your arms, remain firm at your post—continue your exercises—persevere in the soldier's discipline.

The true will not last long; old diplomacy seems but little disposed to see things as they really are. Diplomacy still looks upon you as the handful of malcontents which she has been accustomed to despise. She does not know that in you there are the elements of a great nation, and that in your free and independent hearts there germinate the seeds of world-wide revolution. If our rights shall not be recognized, and if the people will not allow us to be masters in our own home.

We desire to invade no foreign soil; let us remain unmolested on our own. Whoever attempts to gain this, our determination, will find that we will never be slaves, unless they succeed in enslaving by force an entire people ready to die for liberty.

But, even should we all fall, we shall bequeath to future generations a legacy of hatred and vengeance against foreign domination; the inheritance of each of our sons will be a rifle and the consciousness of his rights; and, by the blessing of God, the oppressor will never sleep soundly.

Italians, I say again, do not lay down your arms; rally more closely than ever to your chiefs, and maintain the strictest discipline—Fellow citizens, let not a man in Italy omit to contribute his mite to the national subscription; let not one fail to clean his gun, as to be ready—perhaps to-morrow—to obtain by force that which to-day they hesitate to grant to our rights.

Genoa, Nov. 23, 1859. GARIBOLDI.

THE FRENCH EXPEDITION TO CHINA—ORDER OF THE DAY OF THE COMMANDER.

The General Commanding in Chief of the French expeditionary corps to China has issued the following order of the day:

OFFICERS AND SOLDIERS.—Under the protection of Napoleon III, and of France, you are called on to undertake a remote and glorious expedition. Your mission will not be to add a new conquest to all those which have illustrated France. You are going to show, by strict discipline, to numerous populations, that you are not the barbarians they think you are, as you will prove by your warlike ardor the superiority of your courage. For the second time your standard will unite with the English flag, and this union will be a pledge of peace to the entire world. Your task is grand and noble to fulfill, but the success is assured by your devotion to the Emperor and to France. Some day, returning to the mother country, you will say with pride to your fellow citizens, that you have borne the national flag into countries where it had never been seen, and that you have never dreamt of penetrating with her flag. His Majesty, in bestowing on me the honor of commanding you in chief, has done me a great favor, for which I cannot better show my gratitude than in occupying myself with providing for all your wants with constant care. Let the day of battle come, and you may rely on me as I rely upon you, and we will insure victory to the arms of 'Vive l'Empereur! Vive la France!' COUSIN DE MONTAUBAN.

REMOVAL.

R. RUNYAN

Has removed his store two doors above his old stand. He is selling his Goods, we are informed, at the lowest possible rate for cash. Give him a call. We repeat what we said before, Runyan is all right.

Frankfort, Nov. 14, 1859.

GIVE ME A CALL!

JOHN T. ROBERTS, Agent, St. Clair Street, Frankfort, Ky.

DEALER IN

Fine Groceries, Confectionaries, Fruits, Toys, Bottled Liquors, Tobacco, Segars, &c., &c.

FRESH BREAD EVERY MORNING.

FRESH BALTIMORE OYSTERS.

Received daily during the season.

MY STOCK is full and complete. I hope to receive a liberal patronage from my friends and the public.

Frankfort, Oct. 19, 1859—16.

MILLINERY AND FANCY GOODS!!

MRS. F. T. LYONS & CO.,

St. Clair Street, Frankfort, Ky.

Have just received and opened a full and large assortment of Fashionable Fall and Winter Millinery Goods. The new styles embrace Cloaks, Polots, Bonnets, Ribbons, Head-dresses, Caps, &c., &c., all of the latest styles and fashions.

Don't send to Louisville or Lexington when you can get what you want equally as elegant and far cheaper at home. Call and see. Mrs. F. T. LYONS & CO.

Also Agents for WHEELER & WILSON'S Improved Sewing Machines. [Oct. 14, 1859.]

U. WHITTINGHAM,

NEWSPAPER & PERIODICAL AGENT,

FRANKFORT, KENTUCKY.

Continues to furnish American and Foreign Newspapers, Monthly and Quarterly, on the best terms. Advance sheets received from twenty-four Publishers. Back numbers supplied to complete sets.

Nov. 14, 1859.

Metcalfe's "Kentucky Reports," Vol. 1.

Just ready and for sale by KERNON & CRUTCHER, Booksellers, Frankfort, Ky. Price 55.

Persons at a distance, enclosing the price, will have the work forwarded to them by mail, postage paid.

August 22, 1859—16.

New Style of Hats.

Philadelphia Fall style of Gentlemen's SILK HATS, just opened. Get the best!

S. C. BULL'S Book and Shoe Store, September 2, 1859.

Metcalfe's "Kentucky Reports,"

VOLUME 1. PRICE 55.

We will send the first Volume of Metcalfe's Reports by mail, postage paid, to any one who will send us a receipt of 55.

A. G. HOUGHS & CO. Aug. 24, 1859. Com'g Office, Frankfort, Ky.

THE 1ST VOLUME

OF THE

KENTUCKY LAWYER.

Bound and bound with Minnie Backs and Shirt Paper Covers, can be had at this office at 81 per copy.

Sept. 2, 1859. A. G. HOUGHS & CO.

Louisville and Frankfort and Lexington and Frankfort Railroad.

On and after Monday, December 19, 1859, trains will leave Frankfort as follows:

Trains going West at 9 A. M., and 5:35 P. M.

Trains going East at 7:50 A. M., and 3:35 P. M.

For further particulars please call at the Station Agent's Office, Frankfort.

SAUNDERS GILL, Superintendent.

Dec. 16, 1859—16.

A BARGAIN!

Having made an arrangement for a different business, I desire to sell my

Confectionery and Variety Store.

Any person wishing to invest a small capital in a paying business will consult his interest by application to me directly. I will satisfy any one that it pays well.

Dec. 30, 1859—16.

SPECIAL NOTICES.

I. O. O. F.

Phoenix Lodge, No. 28, I. O. O. F.

Meets at their Hall, on St. Clair Street, over Page, Galois & Page's Grocery Store, in the Third Story, every Tuesday Evening, at 7 o'clock. Transient members in good standing are fraternally invited to attend. Entrance to the Hall, one door below Page, Galois & Page's Grocery Store. By order of the Lodge.

Dec. 2, 1859—16.

MASONIC NOTICE.

Hiram Lodge, No. 4, meets on the Second and Fourth Monday Evenings in each month, at 7 o'clock, P. M., in their lodge room in the Third story over Page, Galois & Page's Grocery Store, adjoining the Commonwealth Office, on Saint Clair Street.

Members of the Legislature who are Masons, and other visiting Brethren, are cordially invited to attend the meetings. By order of the Lodge.

Dec. 2, 1859—16.

LUMBER YARD.

We have again established a Lumber Yard in Frankfort, on the lot at the intersection of Washington and Main Streets, where will be kept, at all times, a full assortment of Poplar, Oak, Ash and Walnut lumber, which will be sold upon reasonable terms for Cash.

Dec. 2, 1859.

J. S. & L. E. HARVEY.

PAGE, GAINES & PAGE

Would again beg leave to call the attention of the public to their large

Fall Importation of Staple and Fancy Dry Goods,

which, in point of variety, richness and neatness of style, cannot be excelled, consisting of part of Plaid and Cheviot Silks, Ribbons, Foulard Silks, Italian Ribbons for Evening Dresses, Plaid and Figured de Laines, French and Swiss Muslins, Jaconets, Cambrics, Tulle, Valenciennes, Plaid de Laine, Stolas, Bayalots and Shetland Wool Stuffs, Velvet Cloaks, superior to any before offered in this city, Shawlins, Shurtees, Table Damasks, Towels, Linens, Jeans, Cassimers, Cloths, Cassimeres, Plaid Cottons, Welsh, Shaker, and all kinds of Plaiding, a large assortment of Gents and Ladies Underwear, a full stock of Gents, Ladies and Misses Hosiery; a full assortment of Gloves, Fans, Rib Skirts, Velvet Ties and Satin Ribbons, and Linen Goods of every description.

September 12, 1859.

QUEENSWARE AND GLASSWARE

now on hand, and in daily receipt of every description, and the largest stock ever before offered in this market, at low prices.

A Large Lot of TEA TRAYS.

We will continue to receive Goods throughout the season of the choicest and most desirable styles. All of which we will sell for Cash, or on prompt payments on our usual terms.

PAGE, GAINES & PAGE.

177 We also continue to keep on hand a choice selection of all kinds of Family Groceries, Ales, Flour, Hardware, &c.

Factors will also find a good assortment of Farming Implements and Tools, and Agents of several Manufacturers, and will sell at Factory Prices for Cash, freight added.

September 12, 1859.

Private Boarding.

Two or Three Members of the Legislature can be accommodated with rooms and boarding by application to

G. W. LEWIS,

At Commonwealth Office.

Frankfort, Nov. 28, 1859.

JOHN W. PRUETT is authorized to collect all claims due in the County of Franklin and City of Frankfort. I have also been placed in Mr. Pruet's hands may notes due me by persons living in and out of the State of Kentucky.

A. G. HOUGHS.

REMOVAL.

R. RUNYAN

Has removed his store two doors above his old stand. He is selling his Goods, we are informed, at the lowest possible rate for cash. Give him a call. We repeat what we said before, Runyan is all right.

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